

Message Text

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17

ACTION EB-07

INFO OCT-01 EA-09 ISO-00 COME-00 L-03 TRSE-00 /020 W
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P 300620Z DEC 75

FM AMEMBASSY TOKYO

TO SPECIAL AGENT IN CHARGE U.S. CUSTOMS SERVICE

CHROMALLOY BLDG SUITE 440 120 S. CENTRAL AVENUE ST LOUIS

MISSOURI 63105 PRIORITY

INFO SECSTATE WASHDC PRIORITY 5795

HQS U.S. CUSTOMS SERVICE OFFICE OF INVESTIGATIONS

FOREIGN INVESTIGATIONS BRANCH WASHDC PRIORITY

UNCLAS TOKYO18378

CUSTOMS ATTACHE TOKYO SENDS.

E.O. 11652: N/A

TAGS: ETRD, JA (MR. MILTON K. WU)

SUBJECT: MIROKU (TO08BM402568)

1. ON DECEMBER 24, MR. Y. OKABAYASHI TELEPHONED AND STATED THAT MIROKU MANAGEMENT DOES NOT BELIEVE IT IS NECESSARY FOR THEIR OFFICIALS TO TESTIFY BEFORE THE GRAND JURY. HOWEVER, HE STATED THAT MIROKU WITNESSES WILL BE AVAILABLE FOR ANY SUBSEQUENT CRIMINAL PROSECUTION OF BROWNING.

2. MIROKU HAS NOT EMPLOYED THE SERVICES OF ANY ATTORNEY ON A FEE BASIS. THEY HAVE BEEN COUNSELED ON A PERSONAL BASIS BY A JAPANESE ATTORNEY OF INTERNATIONAL LAW ONLY. THEY HAVE BEEN ADVISED THAT THEY CANNOT BE COMPELLED TO TESTIFY IN THE U.S.

3. ON DECEMBER 30, CONSULTATION WITH THE CONSUL GENERAL AND ECONOMIC/COMMERCIAL MINISTER OF THE EMBASSY ESTABLISHED THAT THERE IS NO KNOWN PRECEDENT IN WHICH THE JAPANESE GOVERNMENT HAS ATTEMPTED TO PERSUADE JAPANESE NATIONALS TO TESTIFY BEFORE A GRAND JURY. EVEN IN CRIMINAL TRIALS, THE JAPANESE GOVERNMENT HAS NOT COMPELLED SUBPOENAED WITNESSES TO TESTIFY IN THE U.S.

4. IT MAY BE POSSIBLE FOR THE ASSISTANT U.S. ATTORNEY TO INTERVIEW
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MIROKU OFFICIALS IN JAPAN BUT THIS REQUEST MUST BE MADE THROUGH THE

STATE DEPARTMENT, WASHINGTON.

5. THE AFOREMENTIONED STATE DEPARTMENT OFFICIALS RECOMMENDED, AND
WE CONCUR, THAT THE JAPANESE GOVERNMENT SHOULD NOT BE ASKED TO
INTERCEDE AT THIS TIME, AS THIS COULD RESULT IN POLITICAL
REPERCUSSIONS AND THE LOSS OF FUTURE COOPERATION FROM MIROKU.
HODGSON

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Margaret P. Grafeld
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